IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 14375 of 2005

Between:

Didigam Venkata Narasimha Rao, S/o. Late Sri D. Shankaraiah,
R/o. Yadagirigutta, Nalgonda District.

..... PETITIONER

AND

1 The Commissioner, Endowments Department, Tilak road, Abids, Hyderabad.
2 Deputy Commissioner of Endowments, Endowments Dept., Tilak road, Hyderabad, Abids,
3 The Executive Officer, Sri Lakshminarasimha Swamy Devasthanam, Yadagirigutta, Nalgonda District.
4 The Chairman of Trust Board, Sri Lakshminarasimha Swamy Devasthanam, Yadagirigutta, Nalgonda District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ order or direction particualrly in the nature of Writ of Mandmaus declairng the action of the 2nd respondent in issuing the order dt. 25.5.2005 in O.A.No. 684/2000 to evict the petitioner from shop No.22, Up-hills, Yadagirigutta, Sri Lakshminarasimha Swamy Devasthanam as illegal, void and arbitrary and violative of Principles of natural justice and consequently set aside the order passed by the 2nd respondent Deputy Commissioner, Endowments Department and pass.

Counsel for the Petitioner: MR.R.VIJAYANANDAN REDDY

Counsel for the Respondent No.1&2: GP FOR ENDOWMENTS

The Court, at the stage of admission, made the following :

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ORAL ORDER

By the order dated 25-05-2005 the 2nd respondent in a proceedings initiated against the petitioner under Section 88 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act,1987(for short "the Act") declared the petitioner an encroacher of a shop belonging to the Sri Lakshminarasimha Swamy Devastanam, Yadagirigutta and directed him to vacate and handover the physical possession of the shop to the Executive Officer of the Devastanam, failing which action under Section 84 of the Act would be initiated against him. As against the said decision of the 2nd respondent, the petitioner preferred a revision petition before the 1st respondent on 10-06-2005. The learned counsel for the petitioner Sri V.Vijaynandan Reddy states that he had himself appeared for the petitioner before the 1st respondent on 30-06-2005 and even till date the 1st respondent has not proceeded to consider the revision. As the petitioner faces the prospect of eviction from the shop consequent on the 2nd respondent's orders against which he preferred the revision, it is appropriate that the 1st respondent should consider and dispose of either the revision petition or the interlocutory application filed by the petitioner along with the revision petition expeditiously.

For the aforesaid reasons having heard the learned counsel for the petitioner, the learned Government Pleader of Endowment and also the learned Standing counsel for the 3rd and 4th respondents, the writ petition is disposed of directing the 1st respondent to expeditiously and preferably within a period of two (2) weeks from the date of receipt of a copy of this order, consider either the appeal or the interlocutory application and communicate the decision thereon to the petitioner within the aforesaid time. It is clarified that nothing in this order shall be construed as an expression by this Court on the merits of the petitioner's revision petition and the petitioner's revision or the interlocutory application should be considered on its own merits and in the light of the facts on record. No order as to costs.

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GODA RAGHURAM,J

5TH JULY 2005

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To

1 The Commissioner, Endowments Department, Tilak road, Abids, Hyderabad.
2 The Deputy Commissioner of Endowments, Endowments Dept., Tilak road, Hyderabad, Abids,
3 The Executive Officer, Sri Lakshminarasimha Swamy Devasthanam, Yadagirigutta, Nalgonda District.
4 The Chairman of Trust Board, Sri Lakshminarasimha Swamy Devasthanam, Yadagirigutta, Nalgonda District.

5. Two CCS to G.P for Endowments, High Court Buildings, Hyderabad(OUT)

6. Two C.D.Copies.